

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

EO-1106

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-32 (Sub-No. 85X) and STB DOCKET NO. AB-355 (Sub-No. 37X)

December 8, 2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

SEA served an Environmental Assessment (EA) for this proceeding on November 18, 2008 for public review and comment. In the EA, SEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

SEA received one comment after issuance of the EA. The comment was received via STB's e-filing system from Alan French, Chairman of the Bay Circuit Alliance, Inc. on November 11, 2008 (see attached). In the letter, Mr. French urged STB to support the use of the line proposed for abandonment and discontinuance as a recreational trail. Mr. French also objected to the conclusion reached in the EA that "the quality of the human environment would not be affected significantly as a result of the abandonment and discontinuance or any post-abandonment activities." Instead he states that approval of the proposed action would result in "a serious cultural historical and environmental loss for the citizens of Lowell and the Boston area."

As noted in the EA, STB has a process for entities to request both Trails Use and Public Use Conditions. SEA notes that the Commonwealth of Massachusetts has requested that a Trails Use Condition be imposed on STB's decision (see attached). Therefore, trails use will be considered pursuant to STB's notice of interim trails use provision.

Since SEA does not respond to notice of interim trails use, we do not recommend any further or amended conditions at this time.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the following conditions previously recommended in the EA should be imposed upon any decision granting abandonment authority:

1. The Boston & Maine Corporation shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. The Boston & Maine Corporation shall report back to the Section of Environmental Analysis regarding any consultations with the Minnesota State Historic Preservation Office and the public. The Boston & Maine Corporation may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

2. The Boston & Maine Corporation shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

If the above conditions are imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

SEA CONTACT: Catherine Glidden, 202-245-0293

CG

EI-16196

Cathryn

Surface Transportation Board
Incoming Correspondence Record

#

E-Filing Correspondence Information		Status:	
* Required Fields		Recorded by: CN EJW on 11/28/2008	
*Docket #:	AB 32 85 X	Affiliation:	Citizens Group
*Name of Sender:	Alan French	Letter Type:	
Group:	Bay Circuit Alliance, Inc.	NEPA Type:	
Attention Of:	Catherine Glidden	In Public Docket?	☐ Yes ☒ No
*Date Received:		Phone Number:	978-470-1982
Date of Letter:		Email Address:	baycircuit@juno.com
Group's Address:	3 Railroad Street	Group's Zip Code:	01810-
Group's City:	Andover		
Group's State:	MA		

Submitter's Comments
The attachments will be sent via us mail since I do not have access to an electronic copy.

STB's Comments

Image Attachment(s)

BAY CIRCUIT ALLIANCE, INC.
3 RAILROAD STREET
ANDOVER, MASS. 01810
Fax & Tel. : 978-470-1982
E-Mail: baycircuit@juno.com
Website: <http://www.baycircuit.org>

**"working to create & sustain a permanent, public
recreation trail & greenway linking parks and open
spaces in fifty Boston Area communities from Ipswich
Bay & Plum Island to the Duxbury/Kingston shore"**

Surface Transportation Board
Attn: Ms Catherine Glidden
Case Control Unit
Washington, DC 20423

11-28-08

Re: Doc. No. AB-32(Sub-No.85X) and Docket No. AB-355(Sub-No.37X)

Dear Ms Glidden:

Please refer to the attached Letter of 11-09-05 addressed to Mr. Sidney L. Strickland, Jr., Secretary, Interstate Commerce Comm.. Also Attached is a copy of the decision in that case. Despite our urging that the referenced abandonment preserve the rail line for public use as a recreational trail., the line was abandoned and the property fragmented by sale to private parties. The Town of Tewksbury abuts Lowell and is close to the currently proposed abandonment. The case for public use as a recreational trail and greenway of the right of way covered by the current request is far stronger than that covered by the decision on January 23, 1996.

In the Tewksbury case town officials were significantly less supportive of recreational use of that right of way, and Tewksbury financial resources were less available for purchasing the right of way than those currently available to the City of Lowell. We are convinced through reliable sources that the City of Lowell is extremely interested in purchasing the right of way for recreational trail use. The City has demonstrated great success in accessing federal, state, and private foundation financial support for similar purposes. A prime example is the Concord River Greenway. The first phase of this project is currently in construction, and acquisition of this right of way would benefit future phases under active planning, including a connection to the Bruce Freeman Bike Trail, now under construction. In 1996, the 200 mile Bay Circuit Trail and Greenway was in the early stages of development. Currently more than 185 miles of the Trail are open to public use. Use of the Lowell Industrial Track would help fill one of the remaining critical gaps.

For this reason we strongly take exception to the conclusion contained in "the environmental report" that "the quality of the human environment would not be affected significantly as a result of the abandonment and discontinuance or any post-abandonment activities". On the contrary, any consequence that precluded use as a recreational trail would be a serious cultural, historical, and environmental loss for the citizens of Lowell and the Boston area.

Very truly yours,

Alan French, Chairman



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

BERNARD COHEN
SECRETARY

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF TRANSPORTATION

Cathy
EOT

November 20, 2008

VIA E-FILING

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

E-FILE FEE WAIVED

RE: STB Finance Docket No. AB 32 (Sub No. 85X) and No. ~~AB 355 (Sub No. 37X)~~
Boston and Maine Railroad and Springfield Terminal Railway Company
Abandonment and Discontinuance of service in Middlesex County, Massachusetts

Dear Secretary Quinlan:

This request is filed on behalf of the Executive Office of Transportation and Public Works ("EOTPW"), a governmental agency of the Commonwealth of Massachusetts, which serves as the Commonwealth's principal executive agency for developing and implementing state transportation policy, planning and programs.

While not taking a position on the merits of this proposed abandonment and discontinuance of service, EOTPW requests the Surface Transportation Board to impose a Public Use Condition as well as issue a Notice of Interim Trail Use or abandonment ("NITU"), rather than authorize outright abandonment of a segment of right-of-way between Station 1304+77 and Station 1372+00 of the line of railroad known as the Lowell Industrial Track in Lowell, Middlesex County, MA.

TEN PARK PLAZA, BOSTON, MA 02116-3969

TELEPHONE: (617) 973-7000 • TELEFAX: (617) 523-6454 • TDD: (617) 973-7306 • WWW.MASS.GOV/EOT

A. Request for Public Use Condition

EOTPW asks the STB to find that this property is suitable for other public uses, specifically trail use and to place the following conditions on the abandonment:

1. An order prohibiting the carriers from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Imposition of this condition is justified since the subject rail corridor would make an excellent recreational trail benefiting the public, conversion of the property to other transportation and/or recreational trail use is consistent with local and regional plans and policies. EOTPW requests that the Board impose this condition for a period of 180 days from the effective date of the abandonment authorization. EOTPW requires this much time to assemble and review title information, complete plans for conversion to a rail trail or other public use, and conduct negotiations with the rail carriers.

2. An order barring removal or destruction of potential rail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. For the reasons stated above, EOTPW requests that the Board impose this condition for a period of 180 days from the effective date of the abandonment authorization.

B. Request for Interim Trail Use

As the railroad right-of-way that is the subject of this proceeding is suitable for railbanking, EOTPW makes the following additional request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail-banking under Section 8(d) of the National Trails Act, 16 U.S.C. §1247(d), and 40 CFR §1152.29, EOTPW is willing to assume full responsibility, on its own behalf or through a designee, for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case the user need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Boston and Maine Corporation and operated by Springfield Terminal Railway

The subject property is known as the Lowell Industrial Track, and extends from approximately Station 1304+77 to approximately Station 1372+00 in the City of Lowell, Middlesex County, Massachusetts. The right of way is part of a line of railroad proposed for abandonment in STB Finance Docket No. AB 32 (Sub No. 85X) and discontinuance of service in No. AB 355 (Sub No. 37X).

A map depicting the right-of-way is attached.

EOTPW acknowledges that the use of the right-of-way is subject to the user's continuing compliance with the responsibilities described above and is also subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the applicant's representative Michael O'Geary, Boston & Maine Corporation, Springfield Terminal Railway Company, 1700 Iron Horse Park, North Billerica, MA 01862 by U.S. Mail, postage pre-paid, first class, this 20th day of November, 2008.

Respectfully submitted,



Thomas Cahir

Deputy Secretary

On behalf of

Executive Office of Transportation
and Public Works

Commonwealth of Massachusetts

cc: Michael O'Geary, Esq.
Timothy Doherty, EOTPW

541521327-114"

